

REMARKS

Claims 1, 2, 4 – 10, 15, and 16 are in the application. Claims 1, 15, and 16 are currently amended; claims 2 and 5 – 10 were previously presented;; and claims 3, 11 – 14, 17, and 18 are canceled. Claims 1, 15, and 16 are the independent claims herein.

No new matter has been added to the application as a result of the current amendments.

Accordingly, Applicant respectfully requests the entry and consideration of claims 1, 2, 4 – 10, 15, and 16.

Claim Rejections – 35 USC § 101

Claims 1, 2, 4 – 10, and 15 – 16 were rejected under 35 U.S.C. 101 for allegedly being directed to non-statutory subject matter. This rejection is traversed.

The Final Office Action states the subject claims are not “concrete” because different users would arrive at different results. However, Applicant claims a method that includes operations of setting a hierarchical relationship, receiving an indication of a security risk, receiving digital data, receiving an indication of a first selection, transmitting, receiving an indication of a second selection, and transmitting digital data descriptive of the security risk. (See claim 1)

Furthermore, the current claim amendments address the alleged “subjective” nature of the previously claimed digital data. In particular, claims 1, 15, and 16 are currently amended to delete the previously recited “digital data”.

Applicant respectfully submits that each of the claimed aspects of setting, receiving, and transmitting are concrete, as admitted by the Office. Furthermore, the various claimed operations are repeatable as claimed and disclosed in the Specification since the same “indication of a security risk” and “an indication of a first (second) selection” that are related by the computer processor would yield the concrete and repeatable “description of the security risk as it relates to the first (second) element,

wherein the relationship between the received indication of a security risk and the first (second) selected element is based on the hierarchical indication of the first and the second elements and the indication of the security risk”.

Applicant notes that the claimed steps, operations, processes, and the transmitted descriptions are concrete and are repeatable.

Therefore, Applicant respectfully submits that claimed method, system, and program code are directed to statutory subject matter under 35 USC 101.

Applicant respectfully submits that claimed method, system, and program code are directed to subject matter providing patentable utility under 35 USC 101. For example, each of the independent claims provides, in the final paragraph of each claim, recitations of a particular utility specifically provided by the claims (e.g., claim 1: providing a mechanism for a user to traverse between the first and second elements).

Claims 1 – 2, 4 – 10, and 15 – 16 were rejected under 35 U.S.C. 101 for allegedly lacking patentable utility. This rejection is traversed.

Applicant claims, for example, transmitting data descriptive of the security risk to provide a mechanism for a user to traverse between the first and second elements based on the hierarchical relationship between the two or more elements. As stated in the Specification at page 1, lines 6 – 10, such mechanisms facilitate management of security risks to one or more facilities and the resources associated with the facilities.

Applicant notes that the *utility* provided by the Application is to be accepted unless the Examiner provides a logical reason as to why it should not be accepted. In the present matter, the Examiner has provided no reason why the plainly stated utility of the application is not to be accepted.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 2, 4 – 10, 15, and 16 under 35 USC 101.

Claim Rejections – 35 USC § 112

Claims 1 - 2, 4 – 10, and 15 – 16 were rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. This rejection is traversed.

Regarding the Examiner's statements that the Specification is not enabling because the Specification does not specifically state how information from a news feed is taken in and what steps are used to relate the same information to security risks of hierarchical elements, Applicant respectfully submits that the Specification is sufficiently enabling under 35 USC 112, 1st paragraph. In particular, one of ordinary skill in the art would surely understand, without undue experimentation, how a computer system and apparatus such as those depicted in FIGS. 5 and 6 and discussed in the Specification accepts data inputs (e.g., news feeds and associate various elements of databases together). That is, the general concepts of computer data input, processing, and transmitting that the Examiner takes issue with do not require or necessitate further description in the Specification.

Claim 4 remains rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, Applicant adequately addressed and overcame the objection in the previously filed Amendment and Response. The Office Action however failed to particularly address Applicant's last file Amendment and Response in this regard.

Therefore, Applicant submits that claim 4, as previously presented, overcomes the antecedent basis issue noted by the Examiner. If this is not the case, Applicant expressly requests the Office to specifically respond by indicating whether the previous amendment of claim 4 adequately overcame the objection thereof.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claims 1, 2, 4 – 10, 15, and 16 under 35 USC 101.

Claim Rejections – 35 USC § 103

Claims 1 – 18 were rejected under 35 U.S. C. 103(a) as being unpatentable over Beverina et al. U.S. Publication No. 2001/0027388 in view of Zimmers et al. U.S. Publication No. 2005/0013417. This rejection is traversed.

Applicant reiterates that claim 1 clearly recites “setting” a hierarchical relationship between two or more elements. Applicant does not merely recite or state that a hierarchical relationship exists but instead claims actively and positively setting the hierarchical relationship.

However, the Final Office Action maintains the Office Action of the basis that Beverina’s “using relationships between areas, buildings and floors, therefore discloses hierarchical relationships, and Beverina discloses the site is built, and outlined by the use, which the examiner considers to be “setting”.

Applicant acknowledges and understands that the references may be broadly read by the Office, however the use of different building areas does not necessarily imply that the different areas are related (i.e., inherent). Also, the “setting” of the hierarchical relationship between the first and second elements, as claimed by Applicant, establishes relationships that may not be apparent, naturally exist, or are otherwise suggested or considered without the “setting” claimed by Applicant. That is, the claimed “setting” establishes a specific relationship. The set relationship is important to the other claimed operations. Accordingly, the setting is an important aspect of the claimed method, system, and program, not a mere by-product of different elements as suggested by the reasoning and logic of the Office’s arguments in rejecting the claims.

Applicant therefore respectfully disagrees with the Office Action and submits that even if a relationship exists between the building and the floor disclosed in Beverina, such a relationship is limited to those that are necessary (i.e., inherent). Such

necessary relationships relied upon by the Office Action do not require any of the claimed setting or establishment since they are necessary. Therefore, Beverina discloses, at most, elements that are necessarily related, as well as suggesting a setting operation is neither required or useful. That is, Beverina appears to teach away from the claimed "setting".

Again, no setting of the hierarchical relationships as claimed by Applicant's is disclosed or suggested by Beverina. Beverina fails to even suggest the claimed hierarchical relationships, particularly since Beverina apparently uses related elements not even specifically referenced by Beverina.

Accordingly, Beverina does not disclose (admitted by the Office Action) setting a relationship between two elements or even suggest setting a hierarchical relationship between two. That is, Beverina fails to disclose or suggest that for which it was cited and relied upon for disclosing.

Thus, Applicant has clearly shown that the cited and relied upon Beverina does not disclose (admitted by the Office) or suggest setting a hierarchical relationship between two elements.

Applicant submits that even if Zimmers were combined with Beverina as alleged in the Office Action (not admitted as suggested by the references or feasible by Applicant), the alleged combination would not render claim 1 obvious. This is true since the asserted combination of references fail to disclose or suggest all of that for which they, in combination, were cited and relied upon for disclosing and/or suggesting.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of claim 1 under 35 USC 103(a). Claims 2 and 4 – 10 depend from claim 1. Applicant respectfully submits that claims 2, and 4 – 10 are patentable over Beverina and Zimmers for at least depending from an allowable base claim, and claims 15 and 16 are patentable for at least the same reasons as claim 1.

Therefore, Applicant requests the reconsideration and withdrawal of the rejection of claims 1, 2, 4 – 10, 15, and 16 under 35 USC 103(a), and the allowance of same.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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Date

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